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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DESTINY COVINGTON,

Case No.

Plaintiff,

v.

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT

ALLIED INTERSTATE, INC.,

Defendants.

JURY REQUESTED

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).

2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Destiny Covington is a natural person who resides in the city of Welches, in the State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Allied Interstate, Inc. is a collection agency operating from an address of 800 Interchange W. 435 Ford Road, Minneapolis, Minnesota and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff obtained a Sears account for her personal, family or household use.
7. On or about August 2, 2007 Plaintiff began receiving phone calls from defendant in attempt to collect a debt from Plaintiff’s Sears account that was over 10 years old.
8. On or about August 16, 2007 Plaintiff called defendant in attempt to get Defendant’s address. Defendant refused to give address, yelled at Plaintiff, and stated they were in the process of obtaining a judgment against Plaintiff.
9. On or about August 17, 2007 Plaintiff called Defendant and agreed to pay Defendant. Plaintiff gave Defendant her personal bank account information.
10. On or about August 24, 2007 Plaintiff received Defendant’s notice to withdraw funds.
11. On or about August 29, 2007 Plaintiff called Defendant and told Defendant she was disputing the debt, Defendant was not authorized to withdraw funds, and to contact her attorney.
12. On or about August 30, 2007 Plaintiff mailed Defendant a cease and desist letter.
13. On or about September 4, 2007 Defendant received cease and desist letter and called Plaintiff in attempt to collect.

14. On or about September 6, 2007 Plaintiff continued to receive phone calls from Defendant in attempt to collect from Plaintiff.

15. As a direct and proximate result of defendant's actions plaintiff has suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

16. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend.

7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

18. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692c(a)(2), 1692c(c), 1692d, 1692d(2), 1692d(5), 1692e(2), 1692e(5), 1692e(10), 1692f, 1692f(1).

19. As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendant for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every defendant;

DATED: February 4, 2008

Olsen, Olsen & Daines, LLC

/s/ Keith D. Karnes
Keith D. Karnes, OSB # 03352
Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

I, Destiny Covington, swear under penalty of perjury that to the best of my knowledge:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.
6. I have provided my attorneys with true and correct copies of each and every exhibit which has been attached to this Complaint.
7. I have not altered, changed, modified, or fabricated the attached exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

DATED: 02/20/2008

/s/ D Covington
Destiny Covington